

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Richmond Division)**

In re:

LECLAIRRYAN PLLC,

Debtor.

Chapter 7

Case No. 19-34574 (KRH)

Lynn L. Tavenner, as Chapter 7 Trustee,

Plaintiff,

vs.

Adv. Proc. No. 20-03142-KRH

ULX Partners, LLC, ULX Manager LLC, and
UnitedLex Corporation

Defendants.

SIXTH STIPULATION AND AMENDED PRE-TRIAL ORDER

Plaintiff Lynn L. Tavenner, as Chapter 7 Trustee, (the “**Plaintiff**”) and Defendants ULX Partners, LLC, ULX Manager LLC, UnitedLex Corporation (collectively, the “**Defendants**”), subject to the approval of the Court, agree and jointly submit this Sixth Stipulation and [Proposed] Pre-Trial Order (the “**Pre-Trial Order**”) establishing the following schedule in this adversary proceeding.

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Counsel for Lynn L. Tavenner, Chapter 7 Trustee

1. The hearings for the three below-referenced motions shall be heard on **April 19, 2022, at 11:00 a.m.** (the “**April 19 Hearing**”).

- a. the *Motion for Leave to Amend First Amended Complaint* [ECF No. 147] (the “**Motion to Amend**”);
- b. the *Motion for Order Restricting Public Access and Authorizing Trustee to File Certain Documents Under Seal in Connection with Trustee’s Motion for Leave to Amend First Amended Complaint* [ECF No. 160]; and
- c. *Defendants’ Motion to File Partially Redacted Opposition to Trustee’s Motion to Amend* [ECF No. 170]

2. In accordance with Richmond General Order 20-5, the April 19 Hearing will be conducted via Zoom with a listen- only line available. Persons seeking to attend or participate at the April 19 Hearing must register through the following link.

Zoom registration link:

<https://www.zoomgov.com/meeting/register/vJIsdOGrrzsvG0tt6k5oG9Q90BRnwHt-wN8>

Listen-only conference line:

Dial: 1-866-590-5055

Access Code: 4377075

Security Code: 41922

3. In the event the Motion to Amend is granted, the Defendants shall be entitled to file a 7-page supplement to their reply in support of their Motion for Summary Judgment (as defined herein). The supplement shall be filed no later than **April 22, 2022**, and shall be limited to arguments addressing only any new causes of action that may be added to the First Amended Complaint.

4. The hearings for the four below-referenced motions shall be heard on **April 28, 2022, at 11:00 a.m.** (the “**April 28 Hearing**”).

- a. *ULX Partners, LLC’s, UnitedLex Corporation’s, and ULX Manager, LLC’s Motion for Summary Judgment* [ECF No. 133] (the “**Motion for Summary Judgment**”);

- b. the *Motion for Entry of an Order Authorizing Defendants to File Their Memorandum in Support of Their Motion for Summary Judgement and Related Exhibits Under Seal* [ECF No. 135];
- c. the *Motion for Order Authorizing Trustee to File Her Memorandum of Law in Opposition to the Motion for Summary Judgement filed by ULX Partners, LLC, ULX Manager, LLC, and UnitedLex Corporation Under Seal* [ECF No. 154]; and
- d. the *Motion for Entry of an Order Authorizing Defendants to File Their Reply in Support of Their Motion for Summary Judgement and Related Exhibits Under Seal* [ECF No. 157]

5. In accordance with Richmond General Order 20-5, the April 28 Hearing will be conducted via Zoom with a listen- only line available. Persons seeking to attend or participate at the April 28 Hearing must register through the following link.

Zoom registration link:

https://www.zoomgov.com/meeting/register/vJltc-CtqiIuHjeJNDHNhUS_tymzIK3ixtg

Listen-only conference line:

Dial: 1-866-590-5055

Access Code: 4377075

Security Code: 42822

6. The parties shall make the disclosures of expert testimony required by Rule 7026(a)(2) of the Federal Rules of Bankruptcy Procedure on or before **a date to be set by the Court**, or, if the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party under Rule 7026(a)(2)(B) of the Federal Rules of Bankruptcy Procedure, on or before 14 days after the disclosure made by the other party.

7. On or before **a date to be set by the Court**, counsel for the parties shall conclude any depositions of designated experts.

8. All Daubert Motions must be filed on or before **a date to be set by the Court**.

9. All oppositions to Daubert Motions must be filed on or before a **date to be set by the Court.**

10. All replies in support of Daubert Motions must be filed no later than on or before a **date to be set by the Court.**

11. A hearing on any Daubert Motion shall be held on a **date to be set by the Court.**

12. On or before **May 2, 2022**, counsel for the parties shall meet at a mutually convenient location and make a good faith effort to narrow the issues in the trial and to enter into written stipulations of any uncontroverted facts (the “**Stipulation**”). The Stipulation (or in lieu thereof, a joint statement of counsel that no agreement as to any uncontroverted facts could be reached) shall be filed with the Court on or before **May 5, 2022.**

13. On or before **May 5, 2022**, counsel for the parties shall file with the Clerk a list of proposed exhibits and the proposed exhibits. Unless the Court orders otherwise, the exhibits shall be filed in accordance with Richmond General Order 20-5.

14. Objections to any of the proposed exhibits shall be filed on or before **May 12, 2022.** Exhibits to which no timely objection has been made will stand as admitted into evidence.

15. Counsel for Plaintiff shall file a list of witnesses in accordance with Rule 7026(a)(3)(A) of the Federal Rules of Bankruptcy Procedure that Plaintiff intends to call to testify at trial on or before **May 5, 2022**; and counsel for Defendants shall file a list of witnesses in accordance with Rule 7026(a)(3)(A) of the Federal Rules of Bankruptcy Procedure that Defendants intend to call at trial not later than **May 9, 2022.** Counsel for Plaintiff may file a list of rebuttal witnesses on or before **May 12, 2022.**

16. Counsel for the parties shall file a designation of those witnesses whose testimony is expected to be presented by means of a deposition and a redacted transcript of the pertinent portions of the deposition testimony on or before **May 5, 2022.** Any other party may file counter designations

of the redacted portions of the deposition transcript they deem relevant not later than **May 9, 2022**. Objections to the use under Rule 7032(a) of the Federal Rules of Bankruptcy Procedure of a deposition so designated by another party shall be filed on or before **May 12, 2022**.

17. The trial shall be held on **May 16, 2022** (the “**Trial Date**”) through **May 27, 2022** at **10:00 a.m.** Unless otherwise ordered by the Court, in accordance with Richmond General Order 20-5, the trial shall be conducted by remote video conference via Zoom for Government with a listen-only line available. Persons seeking to attend or participate at the trial must register through the following link.

Zoom registration link:

https://www.zoomgov.com/meeting/register/vJltcu6pqzgrHJfws5p_zLeaSles8Xfzp_w

Listen-only conference line:

Dial: 1-866-590-5055

Access Code: 4377075

Security Code: 0522

18. Should a settlement be reached, counsel shall immediately file any motion required by Rule 9019 of the Federal Rules of Bankruptcy procedure for approval of the settlement (the “**Rule 9019 Motion**”). Counsel shall schedule a hearing to be conducted not later than 28 days after the Trial Date to consider any Rule 9019 Motion and for presentation of a final order.

19. It is the responsibility of all counsel to be thoroughly acquainted with and follow the procedures set forth in the statutes, the national and local bankruptcy rules, and the requirements of the judge.

20. Failure to comply with this Sixth Amended Pretrial Order shall result in appropriate sanctions.

IT IS SO ORDERED:

ENTERED: _____, 2022.
Mar 23 2022

/s/ Kevin R Huennekens
The Honorable Kevin R. Huennekens
United States Bankruptcy Court Judge
Entered On Docket: Mar 23 2022

WE ASK FOR THIS:

/s/ Erika L. Morabito

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WE ASK FOR THIS:

/s/ Thomas J. McKee, Jr.

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Counsel to Defendant ULX Partners, LLC, ULX Manager LLC, UnitedLex Corporation

CERTIFICATION

I hereby certify that, pursuant to Local Rule 9022-1, the foregoing proposed Order has either been endorsed by and/or served upon all necessary parties.

/s/ Erika L. Morabito

Erika L. Morabito